

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

VICTORIA L. FRAZIER,

Plaintiff

v.

CIVIL NO. 3:11cv497-JRS

**EXPERIAN INFORMATION
SOLUTIONS, INC., *et al.***

Defendants.

DECLARATION OF SUSAN MARY ROTKIS

I, Susan Mary Rotkis, hereby declare:

1. I am over the age of 18 years and am competent to make this declaration. I am an attorney admitted to the bar of this court and represent the Plaintiff in this matter.
2. I have personal knowledge of the facts herein and declare that they are true and correct.
3. On February 2, 2012, Leonard A. Bennett and I had a telephone conference with Ethan Ostroff, an attorney formerly representing Litton Loan Servicing in this matter.
4. The purpose of the phone call was to comply with the "meet and confer" obligations in an attempt to resolve the Defendant's objections to discovery propounded by the Plaintiff in this case.
5. The Defendant objected to each and every request for production and interrogatory.
6. The Plaintiff agreed to withdraw the following interrogatories: 2, 7, 14, 18, 19; and the following requests for production: 12, 13, 15, 23, 27, 28, 29.
7. The Plaintiff agreed to further limit the interrogatories as follows: 10 – limited to employees who processed credit disputes; 17 – withdraw the last sentence; and the following requests for production: 1 – Plaintiff agreed to enter a protective order similar to that which counsel have entered in other cases.
8. Otherwise, Plaintiff's counsel explained in detail why each request and interrogatory was proper.
9. Plaintiff's counsel agreed to enlarge the time in which the Defendant had to respond.
10. Among other things, Plaintiff's counsel informed Defendant's counsel that it would file a Rule 37(c)(1) motion if Litton failed to comply with

discovery, that any future assertion of privilege other than that already asserted in the privilege log to be waived, citing E.D.Va. cases: *Capetta v. GC Services*, *James v. Encore Capital*. It was improper for Defendant to withhold discovery based on objection, it must move for a protective order.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and recollection.

A handwritten signature in cursive script, reading "Susan M. Rotti", is written over a horizontal line.

Signed this 9th day of March 2012 in Newport News, VA.